

**FILED**

**DEC 17 2012**

**Board of Vocational Nursing  
and Psychiatric Technicians**

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7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING**  
9 **AND PSYCHIATRIC TECHNICIANS**

10 In the Matter of the Accusation Against:

Case No. PT-2010-955

11 **AUDREY JOAN BALLESTEROS**  
12 **14149 Oval Drive**  
**Whittier, CA 90604**

**A C C U S A T I O N**

13 **Psychiatric Technician License No. PT**  
14 **29600**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in  
20 her official capacity as the Executive Officer of the Board of Vocational Nursing & Psychiatric  
21 Technicians.

22 2. On or about November 28, 1995, the Board issued Psychiatric Technician License  
23 Number PT 29600 to Audrey Joan Ballesteros (Respondent). The Psychiatric Technician License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 January 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

**STATUTORY PROVISIONS**

4. Section 4520 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 4545 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

6. Section 4521 of the Code states:

"The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

"(a) Unprofessional conduct, which includes but is not limited to any of the following:

...

(4) Obtain or possess in violation of law, or prescribe, or, except as directed by a licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the health and Safety Code or any dangerous drug as defined in Section 4022.

...

"(n) The commission of any act involving dishonesty, when that action is substantially related to the duties and functions of the licensee.

7. Section 125.3 of the Code provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CONTROLLED SUBSTANCES**

2 8. Vicodin is a Schedule III controlled substance pursuant to Health and Safety Code  
3 section 11056. It is a combination of Acetaminophen and Hydrocodone. It is a narcotic used for  
4 the relief of moderate to moderately severe pain.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct)**

7 9. Respondent is subject to disciplinary action under section 4521 (a), in that she  
8 committed acts constituting unprofessional conduct. The circumstances are as follows:

9 10. In or about August 2010, Respondent was employed as a psychiatric technician with  
10 Aurora Charter Oak Hospital (Charter Oak), located in Covina, California.

11 11. On or about August 23, 2010, a patient came to Charter Oak with three (3)  
12 prescription bottles for an assessment by the staff. At the conclusion of the assessment,  
13 Respondent returned only two (2) of the prescription bottles to the patient. The prescription  
14 bottle that was missing was a bottle for Vicodin. Upon being questioned as to the missing third  
15 bottle, Respondent left and then returned with five (5) white pills in the palm of her hand,  
16 purporting to be the Vicodin, which Respondent immediately placed in the Sharps disposal box.  
17 Respondent admitted that she removed the label from the third bottle, shredded the label, and  
18 discarded the bottle itself.

19 12. Upon inspection of the Sharps container, the five (5) white pills Respondent  
20 discarded were found to have been Tylenol, and not Vicodin, as the patient had first brought in  
21 the third prescription bottle. Due to Respondent's actions, the patient did not receive the Vicodin.

22 13. The patient stated that the third bottle should have contained Vicodin and not Tylenol.  
23 Respondent was subsequently terminated from employment with Charter Oak for "theft from  
24 patients, other employees, or employer."

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